

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ELBERT R. COMPTON,

Plaintiff,

v.

ROBERT MARTIN, et al.

Defendants.

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ORDER

Case No. 23-cv-250-jdp

On April 21, 2023, this court entered an order directing plaintiff Elbert Compton to submit by May 12, 2023, the \$402 filing fee or a properly supported motion for leave to proceed without prepayment of the filing fee. Now plaintiff has filed a motion to use release account funds to pay the entire fee for filing this case. However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Therefore, plaintiff cannot use the release account funds to pay the entire filing fee.

ORDER

IT IS ORDERED that,

1. Plaintiff Elbert Compton's motion for use of release account funds to pay the entire filing fee in this case is DENIED.
2. Plaintiff may have until June 5, 2023, to submit the \$402 filing fee or a motion for leave to proceed without prepayment and a trust fund account statement for the period beginning approximately October 21, 2022 and ending approximately April 21, 2023. If by June 5, 2023, plaintiff fails to respond to this order or show cause for failure to do so, plaintiff

will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing at a later date.

Entered this 15th day of May, 2023.

BY THE COURT:

/s/

ANDREW R. WISEMAN  
United States Magistrate Judge